IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI, AT ABERDEEN

IN RE:	)	
	)	
Latoya Antoinette Caston	)	Case No. 16-10461
Debtor,	)	Chapter 13
	)	
Sheffield Financial	)	
Movant,	)	
v.	)	
	)	
Latoya A Caston	)	
Respondent,	)	
and	)	
	)	
Locke D. Barkley	)	
Trustee.	)	

MOTION FOR RELIEF FROM STAY

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW Movant and alleges as follows:

I.

Movant is a secured creditor of Respondents in the above-captioned cause.

II.

On or about April 3, 2013, and prior to the filing of Debtors' petition in bankruptcy, Respondent executed and delivered a Note & Security Agreement payable to the order of Movant.

III.

As security for Respondents obligation on the Agreement, Respondent granted to Movant a security interest in the following property of Respondents: a 2011 Suzuki GSX VIN: JS1GT78AXB2102158, said Agreement is attached hereto as Exhibit "A." The "Certificate of Title" to said vehicle is attached hereto as Exhibit "B."

IV.

Respondent has defaulted on the obligation to Movant in that she has failed to make payments required under the terms of the Agreement. Respondent owes Movant the sum of $10,318.32 plus accruing interest and attorneys' fees. The Respondent has defaulted in making the chapter 13 plan payments due to the Movant and the current delinquent amount due is $3,198.70, representing default for more than ten (10) payments.

V.

Movant will be inadequately protected in the event that the automatic stay is not lifted. Respondent is unable to make the payments called for in the Agreement during the pendency of this bankruptcy. The value of the collateral is declining during the pendency of this bankruptcy. The current amount owed to Movant is approximately $10,318.32. The fair market value of the collateral is declining during the pendency of this bankruptcy. Attached as Exhibit "C" and made a part hereof is a NADA Official Used Car Guide indicating that an average valuation is $9,125.00. The costs of Movant taking possession of the collateral and subsequent sale cannot be calculated at this time, but said costs will be substantial. It appears that Respondents have no equity in the collateral.

VI.

The continuation of the automatic stay will work real and irreparable harm to Movant and will deprive Movant of adequate protection to which it is entitled under 11 U.S.C. §362 and §363 for the reasons mentioned above.

VII.

The continuation of the automatic stay could result in an unlawful taking of Movant's property.

WHEREFORE, Movant prays for a judgment immediately terminating the automatic stay not subject to the STAY OF ORDER of Rule 4001 of the Federal Rules of Bankruptcy Procedure to permit Movant to exercise any of its rights on the following property: a 2011 Suzuki GSX VIN: JS1GT78AXB2102158.

Respectfully submitted,

/s/Robert W. Camp

Robert W. Camp, Bar No. 5498
210 East Capitol Street, Suite 1252
Jackson, MS 39201
Ph: (601) 948-2307
Fax: (601) 948-2314
ATTORNEY FOR MOVANT

IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF MISSISSIPPI, AT ABERDEEN

IN RE:	)	
	)	
Latoya Antoinette Caston	)	Case No. 16-10641-JDW
Debtor.	)	Chapter 13
___________________________________	)	

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 20th day of April, 2017, a copy of the foregoing Motion for Relief with exhibits was deposited in the United States mail, postage prepaid, addressed to:

Latoya A. Caston	Heidi Schneller Milam	Locke D. Barkley
7465 Crystal Dr.	PO Box 1169	6360 I-55 North, Ste. 140
Horn Lake, MS 38637	Southaven, MS 38671	Jackson, MS 39211
Debtor	Attorney for Debtors	Trustee

Respectfully submitted,

/s/Robert W. Camp

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ATTORNEY FOR MOVANT